

08 CV 00035

## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

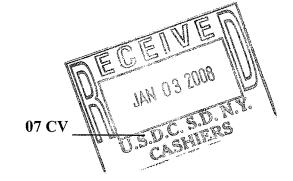
MERCK EPROVA AG and MERCK KGaA

Plaintiffs,

-vs.-

PROTHERA, INC.

Defendant.



RULE 7.1 STATEMENT OF PLAINTIFF MERCK KGaA

Pursuant to Fed. R. Civ. P. 7.1, and to enable District Judges and Magistrate Judges of the Court to evaluate possible disqualification or recusal, the undersigned counsel for Plaintiff Merck KGaA, certifies that, to the best of its knowledge:

- 1. Merck KGaA is a subsidiary of E. Merck OHG.
- 2. No publicly held corporation holds more than 10% of the voting securities of Merck KGaA.

Dated: January 3, 2008

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